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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 LUCY REYNOLDS,

9 Plaintiff,

10 v.

11 LIFE INSURANCE COMPANY OF
12 NORTH AMERICA,

Defendant.

C21-1424 TSZ

ORDER

13 THIS MATTER comes before the Court on Defendant's motion, docket no. 44, to
14 vacate the Amended Order and Judgment of Default, docket no. 39, and the Supplemental
15 Judgment awarding attorneys' fees and costs, docket no. 42. Having reviewed all papers
16 filed in support of, and in opposition to, the motion, the Court enters the following order.

17 (1) The motion to vacate the Amended Order and Judgment of Default, docket
18 no. 44, is GRANTED. The Court has reviewed the three-factor test in
19 *United States v. Signed Personal Check No. 730 of Yubran S. Mesle*, 615
20 F.3d 1085, 1091 (9th Cir. 2010), and it has determined that all of the factors
21 weigh in favor of setting aside the judgment. The Court therefore
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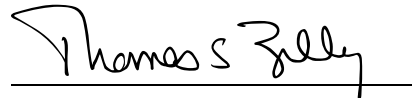
VACATES the entry of default, docket no. 31, the judgment, docket no. 35, and the amended judgment, docket no. 39.

(2) The motion to vacate the Supplemental Judgment awarding attorneys' fees and costs, docket no. 42, is DENIED. Defendant's neglect caused Plaintiff to incur reasonable attorneys' fees and costs in connection with pursuing default and a default judgment. Plaintiff will not suffer for Defendant's mistake. *See, e.g., Brandt v. Am. Bankers Ins. Co. of Florida*, 653 F.3d 1108, 1110 n.1 (9th Cir. 2011).

(3) The Clerk is directed to send a copy of this Order to all counsel of record.

IT IS SO ORDERED.

Dated this 2nd day of December, 2022.

A handwritten signature in black ink, reading "Thomas S. Zilly", written over a horizontal line.

Thomas S. Zilly
United States District Judge